

REMARKS

Rejections under 35 U.S.C. § 103

Claims 1, 4-10, and 12-23 are rejected under 35 USC Section 103(a) as being unpatentable over US Patent No. 5,761,294, to Shaffer (hereinafter referred to as "Shaffer") in view of US Patent No. 6,064,673 to Anderson (hereinafter referred to as "Anderson"). Applicant hereby respectfully traverses this rejection.

Regarding the first reference, the Examiner indicated that "Shaffer discloses an apparatus which includes a remote system (Fig. 1, Ref. 22) including a splitter which includes a splitter [sic] for splitting the incoming telephone signal for inputting into the converters..." (emphasis added). Applicant respectfully submits that the splitting element in the present claims describes "an interface machine splitting a portion of said audio output signal from said converter." (emphasis added) The step referenced by the Examiner of splitting a telephone signal into a converter does not disclose or suggest or have anything to do with the step of "splitting a portion of said audio output signal from a converter" as claimed in claim 1 of the present application. Nor does the reference disclose or suggest "an interface machine, electrically connected with said converter for processing electrical audio signals to generate a transmitted stream of audio data packets" as claimed in claim 19. Nor does the reference disclose or suggest "converting said transmission signal into an audio output signal" as claimed in claim 8 of the present application.

Furthermore, contrary to the Examiner's characterization, the cited Shaffer reference does not disclose or suggest any "splitter for splitting the incoming telephone signal for inputting into the converters." Shaffer describes a completely opposite arrangement whereby analog signals are combined in a converter. In the Shaffer reference, the analog interfaces 32 and 34 are connected to analog lines 14 and 18 (Fig. 1), which are not split. Rather they are combined for input to digital interface 30. For example, Schaffer recites "the converter includes a digital

interface 30 and a pair of analog interfaces 32 and 34.” (Col. 3, lines 7-8). The analog interfaces 32 and 34 may merely be telephone jacks. (Col 3, lines 28 – 29)

Accordingly, Applicant respectfully submits that none of the inputs to converters in the Shaffer reference are telephone signals that are split as the Examiner erroneously asserted. Applicant further submits that none of the inputs to converters in Shaffer have anything to do with “an interface machine splitting a portion of said audio output signal from said converter” as claimed in the present application.

Furthermore, contrary to the Examiner’s characterization, the converter of Shaffer is not “coupling to a modem for converting telephone transmission signal into audio signal for transmission.” Rather, Shaffer discloses converting digital signals to analog signals for transmission. For example, Shaffer recites “in a least complex embodiment, the digital interface is a digital-to-analog converter that receives digital signals from the telephone 10 and personal computer 26, and generates corresponding analog signals for input to the analog interfaces. In the receive mode, the digital interface receives analog signals from the interfaces 32 and 34 in order to generate intelligible signals to the telephone and personal computer.” (Col. 3, lines 8-15). This is opposite to disclosed WAN communication steps wherein analog systems are digitized for transmission.

Furthermore, the Examiner’s reference to “converting telephone transmission signal into audio signal for transmission” has nothing to do with the any of the claimed steps of the present invention. More particularly, the Shaffer reference has nothing to do with the claimed step of “processing said audio output signal for transmission over said WAN as a network audio signal.” Applicant respectfully submits that, contrary to the Examiner’s characterization, neither the “analog signals” described in Shaffer nor the “intelligible signals” described in Schaffer teach or suggest the steps of processing a “network audio signal” as particularly claimed in the present invention.

The Examiner admits that “Shaffer does not disclose an interface machine for receiving audio signals and providing a network audio signal for transmitting via WAN by using a first

sound mechanism and local system having second sound mechanism for processing received [sic] network audio signal into a continuous audio signal.”

Regarding the Examiner’s citation of Anderson, the Examiner indicated that Anderson discloses an interface machine for transmitting via a WAN to another computer which has a sound mechanism for processing the network audio packet for processing a received telephone signal into a network audio signal for transmitting via WAN to a local system having a second sound mechanism for processing received network audio signal into continuous audio signal and an automated attendant system. Applicant respectfully submits that Anderson describes a particular packet based communication system for transmitting audio information over a WAN (see col. 2, lines 31-49) that has nothing to do with the claimed invention. Contrary to the Examiner’s characterization, Anderson does not teach or suggest an “interface machine splitting a portion of said audio signal from said converter” wherein said converter receives telephone transmission signals from a remote modem and provides an audio output signal, as claimed in the present invention.

The Examiner indicated that Anderson discloses “an interface machine (Fig 1 is a computer has an analog line interface codec “Ref 16” for converting a transmission signal into the audio signals then generating packets having the digitized audio signal by using a sound mechanism for transmitting via WAN 104 to another computer, which have an address, [sic] has a sound mechanism for processing the network audio packet; See col. 5, lines 9-45 and Fig 2)....” Applicant respectfully submits that the Anderson reference, like Shaffer, does not teach or suggest any splitting of an audio signal from a converter as performed by the interface machine particularly disclosed and claimed in the present application.

“In order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on Applicant's disclosure." MPEP 2142 citing In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Since neither Shaffer nor Anderson when considered alone or combined teach or suggest each of the elements of independent claims 1, 8 or 19, the Examiner has not made a prima facie case of obviousness under 35 U.S.C. 103(a). Even, assuming arguendo, that all of the elements of the claimed invention were present in the cited combination, there is no suggestion or motivation in the references or in the art generally to make the combination that the Examiner makes in hindsight with the benefit of Applicant's disclosure. Accordingly the rejections of claims 1, 4-10 and 12-23 should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 therefore.

Respectfully submitted,

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Dated:

Brian L. Michaelis
Brian L. Michaelis, Esq.
Reg. No. 34,221
Customer No. 21710
Attorney for Applicant

BROWN RUDNICK BERLACK ISRAELS LLP

Box IP, 18th Floor
One Financial Center
Boston, MA 02111
Tel: 1-617-856-8369
Fax: 1-617 856-8201

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